

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter FLOHR et al.

Application No.: [to be assigned]

Filing Date: 22 July 2003

For: BURNER AND PILOT BURNER

Art Unit: [to be assigned]

Examiner: [to be assigned]

Attorney Ref. No.: 003-068

**Hand-Carried to Office of Petitions:  
CP4-3C23**

**RECEIVED**

NOV 12 2003

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. § 1.182**  
**FOR FILING DATE OF A NON-PROVISIONAL PATENT APPLICATION**

**Mail Stop Application Number**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant petitions under 37 C.F.R. § 1.182 ("Rule 182") for assignment of a filing date of 22 July 2003 to the present patent application. In accordance with Rule 182, the Director is authorized to charge the fee under 37 C.F.R. § 1.17(h) (\$130.00) for this petition to the undersigned's Deposit Account No. 50-2821. Because this Petition is necessitated by an error on the part of the U.S. Patent and Trademark Office ("PTO"), Applicant also requests that the fee for this Petition be refunded to the same account, or not charged to begin with.

On 22 July 2003, Applicant, by way of their undersigned representative, filed a complete non-provisional patent application. Copies of the following documents, filed on 22 July 2003, are filed herewith:

- (1) Application Transmittal Letter (2 pp), including on page 2 thereof the undersigned's mailing address and Customer Number;
- (2) A non-provisional patent application, including: a specification (8 pp); Claims 1-9 (2 pp); Abstract of the Disclosure (1 pg); and Figure 1 (1 pg).
- (3) A Preliminary Amendment (4 pp)
- (4) Return Postcard Receipt, listing items (1)-(3).

Item (4), the Return Postcard Receipt, is date stamped "Jul 22 2003", and includes "OIPE JC139 PATENT & TRADEMARK OFFICE". Applicant notes that a duplicate of the Return Postcard Receipt, bearing sufficient postage and the undersigned's address, which had been stapled to the original application papers when filed, has never been received by the undersigned. Applicant additionally notes that an Official Filing Receipt, a Notice of Incomplete Application, or a Notice to File Missing Parts of Application - Filing Date Granted, has not been received from the PTO concerning this application, nor has this application been associated with the undersigned's Customer Number within the PTO's PAIRs system. Because a period for response to a Notice to File Missing Parts or Notice of Incomplete Application has not been set, this Petition is timely filed. 37 C.F.R. § 1.181(f).

37 C.F.R. § 1.53(b) ("Rule 53(b)") states, in part:

(b) *Application filing requirements - Nonprovisional application.* The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office.

Based on the foregoing, Applicant respectfully submits that a complete non-provisional patent application under Rule 53(b) was filed on 22 July 2003, as evinced by the attached copies of the papers filed and the copy of the Return Postcard Receipt. Accordingly, Applicant respectfully requests that the PTO accord 22 July 2003 as the filing date of this application, and issue an Official Filing Receipt indicating the same. In connection therewith, Applicant directs the PTO's attention to the Claim for Priority under 35 U.S.C. § 119 contained on the second page of the transmittal letter, respectfully requests that the Official Filing Receipt indicate the claim, and requests that the filing date of 22 July 2003 be accorded to the date of the claim to priority.

Applicant notes that neither the basic non-provisional application filing fee (then \$750, now \$770) nor a Declaration under 37 C.F.R. § 1.63 were filed with the application. Applicant respectfully requests that the filing fee (fee code 1001) for this application be charged to Deposit Account 50-2821, and that a Notice to File Missing Parts of Application - Filing Date Granted be issued.

If the petitions examiner believes that a telephone conference with the undersigned would expedite consideration of this Petition, they are invited to call on the number below.

The Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to Deposit Account 50-2821.

Respectfully submitted,

By: 

Adam J. Cermak  
Registration No. 40,391

**U.S. P.T.O. Customer Number 36844**  
Law Office of Adam J. Cermak  
P.O. Box 7518  
Alexandria, Virginia 22307

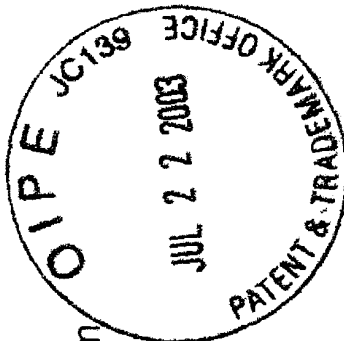
703.768.0994

Date: 12 NOV. 2003

Applicant:	Peter FLOHR et al.	Docket No.:	003-068
App. No:	[to be assigned]	Attorney:	Adam J. Cermak
Filing Date:	22 July 2003	Today's Date:	22 July 2003
Title:	BURNER AND PILOT BURNER		

When a receipt stamp is placed hereon, the U.S. P.T.O. acknowledges receipt of the following:

1. A non-provisional patent application, including: 8 pp. specification; 2 pp. claim (1-9); 1 pg. Abstract; 1 sheet drawings (Fig. 1).
2. Preliminary Amendment (4 pp.)
3. Application Transmittal Letter (2 pp.)
4. 2 return postcard receipts



Law Office of  
**Adam J. Cermak**  
Registered U.S. Patent Attorney

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22 July 2003

**Mail Stop Patent Application**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RECEIVED

NOV 12 2003

OFFICE OF PETITIONS

RE: **New Non-Provisional Application**  
Title: BURNER AND PILOT BURNER  
Inventor(s): Peter FLOHR et al.  
Attorney Docket No.: 003-068

Sir:

**I. Enclosures:**

I enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

1.

a. A specification containing:

- (i) 8 pages of description;
- (ii) 2 pages of claims (Claims 1-9); and
- (iii) 1 page of Abstract.

b. 1 sheet(s) of drawings (Figures 1).

2. The Basic Filing Fee of \$ 750.00 ☒ will follow ☐ is enclosed, paid by

- ☐ check made payable to the Director of the U.S. P.T.O.
- ☐ please charge Deposit Account
- ☐ Credit Card Payment Form (PTO-2038)

The filing fee has been calculated as shown below.

☐ Small entity status is hereby claimed.

(Col. 1)			(Col. 2)		SMALL ENTITY		LARGE ENTITY	
For	No. Filed	No. Extra	Rate	Fee	Rate	Fee	Rate	Fee
Basic Fee				\$375.00		\$750.00		\$750.00
Total Claims	9 - 20 =	0	x \$9 =	\$	x \$18 =	\$0	x \$18 =	\$0
Indep. Claims	2 - 3 =	0	x \$42 =	\$	x \$84 =	\$0	x \$84 =	\$0
Multiple Dependent Claim Presented			+\$140 =	\$	+\$280 =	\$	+\$280 =	\$
			Total	\$	Total	\$750	Total	\$750

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

3. An executed Declaration and Power of Attorney ☐ is attached ☒ will follow.
4. Other: Preliminary Amendment (4 pp.)
5. Two (2) return postcards.

**II. Priority under 35 U.S.C. § 119**

A claim to priority under 35 U.S.C. § 119 is made to application no. 102 33 161.8, filed in Germany on 22 July 2002.

**III. Filing under 37 C.F.R. § 1.53(b)**

☒ This application is being filed under the provisions of 37 C.F.R. § 1.53(b). Applicants respectfully await notification from the Patent and Trademark Office of the time set for filing the Declaration and Power of Attorney and/or the filing fee.

It is respectfully requested that, of the two attached post cards, one be stamped with the filing date of these documents and returned to our courier, and the other prepaid postcard be stamped with the filing date and unofficial serial number and returned as soon as possible.

Respectfully submitted,



**Adam J. Cermak**  
**Reg. No.: 40,391**

Date: 22 July 2003

Law Office of Adam J. Cermak  
P.O. Box 7518  
Alexandria, VA 22307  
(703) 768-0994



**36,844**

Patent Trademark Office